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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,245

Applicant(s)

CHAN ET AL.

Examiner

PAUL R. FISHER

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-9,11,14-17,19,22-29 and 33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,6-9,11,14-17,19,22-29 and 33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Amendment submitted on October 23, 2008 has been acknowledged. Claims 2, 4, 5, 10, 12-13, 18, 20-21, and 30-32. Claim 33 has been added. Claims 1, 3, 6-9, 11, 14-17, 19, 22-29 and 33 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 3, 11, 19 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 3 recites the limitation "the plurality of remote properties" in line 1, of claim 3. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 11 recites the limitation "the plurality of remote properties" in line 2, of claim 11. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 19 recites the limitation "the plurality of remote properties" in line 1, of claim 19. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 33 recites the limitation "the sale of additional reservations" in line 21, of claim 33. There is insufficient antecedent basis for this limitation in the claim.
8. In claim 33 (f), the recited term "the sale of additional reservations", renders the claim indefinite. It is unclear to the Examiner how there can be a sale of a reservation since a reservation is merely the holding for a potential future sale. Further, the term "indivisible space" renders the claim indefinite. It is unclear to the Examiner how any

room is "indivisible" since any room no matter how small or large can be divided. Due to the confusing nature of the claim language and for the purposes of expediting prosecution the Examiner is reading claim 33 part (f) as converting a request for a reservation of a room to a confirmation of the requested room wherein the confirmation comprises selecting a room from a set of available rooms and wherein the delay comprises the time between the time of the initial reservation request is provided to the time of when the confirmation is provided, which would obviously result in allowing for additional customers to also confirm on the same available space since the time between the request and the confirmation is not instantaneous.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3, 6-9, 11, 14-17, 19, 22-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham et al. (US 2002/0069094) hereafter Bingham, in view of Patullo et al. (US 2005/0033613) hereafter Patullo, further in view of Edward B. Fiske: "Christmas in Williamsburg" (Dec. 25, 1983) hereafter Fiske.**

As per claims 1, 9 and 17, Bingham discloses a method, a machine readable medium for providing instructions which cause the processor to perform the method (Page 3, paragraph 0025), and a system (Figures 1, 2a, 2b, and 3) for performing the method comprising:

a digital processing system (Internet based system) receiving a request (Page 1, paragraph 0008; discloses a reservation request is received from a user) for a function space (resources for meetings), the digital processing system comprising availability information for a plurality of function spaces at a plurality of properties (multiple meeting facility resources) and a set of pricing rules (Examiner interprets this as rules for determining the price of the space), Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) (paragraph 0033), the request comprising a plurality of criteria, (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface), (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved

customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404), (410);

determining an availability of the requested function space based upon some or all of the availability information and one or more of the criterion (Figure 5 (512) Are the Specified Meeting Facility Resources Available for Reservation?, page 1, paragraph 0008, page 4, paragraph 0033);

automatically providing a real-time price quote for the requested function space based upon the set of pricing rules (Paragraph 0033; discloses if sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more then 7 nights and get 10% off; Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph 0008) the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time (Page 1, paragraph 0008) a customer profile associated with the user may be used to determine the price of the meeting package or its component resources.

The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules.

Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038).

receiving an acceptance of the price for the requested function space from the user; and establishing a reservation for the requested function space (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037).

Bingham does not explicitly disclose providing a price quote for the request when it is determined that the request is unavailable or that if said function space is unavailable, said reservation comprises an overbooking.

The applicant's specification discloses:

[0012] Embodiments of the invention provide systems and methods to provide an availability and price determination in response to a request for function space. For one embodiment, a **request** for a function space is received at a digital processing system that contains availability information and a set of pricing rules for one or more function spaces. The request includes a plurality of criteria. **An availability of the requested function space is determined based upon the availability information and one or more of the criterion. A price for the requested function space is determined based upon the set of pricing rules and one or more of the criterion.**

[0034] As described, embodiments of the invention ensure that a customer is quickly provided with a determination of availability and a price quote. This increases the likelihood that a reservation will be established. Further, embodiments of the invention help to ensure that all of the numerous and complex pricing rules will be employed to produce an accurate price quote. This helps to ensure that the price quote provided is competitive and Exploits market conditions to increase revenue. **For alternative embodiments, a price quote may be determined even where the requested function space is unavailable to establish an optioned reservation. The function space is maintained as unreserved and if it subsequently becomes available, a reservation is established.**

[0038] For purposes of illustrating an embodiment of the invention, central reservation DPS 305 may be a central processing system and a database for a multi-location hotel chain with customers and local sales managers accessing the reservation management system 306 to obtain availability and pricing information for function space at one or more individual properties. For example, a customer could enter the specifics of **a function space reservation request** via a hotel chain website and receive, in fairly short order, a definitive response in regards to availability and pricing for the requested function space. This means the customer no longer has to wait hours or days for a response and is therefore less likely to inquire of competitors. **Additionally, or alternatively, a sales manager**

at an individual hotel property could enter the specifics of a function space reservation request and receive a price quote based upon consideration of a number of complex factors aimed at increasing revenue. This decreases the likelihood that a sales manager will fail to consider one or more revenue-increasing pricing factors.

Therefore, the Examiner is interpreting this limitation as simply providing a price quote without regard to availability.

Patullo discloses direct price quote requests (Figures 4 and 5; discloses that the price quote given does not guarantee or promise availability of the desired suite, it simply gives a price quote based on the users search criteria) even if the request is unavailable on certain dates (paragraphs 0023, 0027 and 0031; disclose that this information is given out before the user is aware if there is availability in their requested room).

Therefore, from this teaching of Patullo, it would have been obvious to one of ordinary skill in the art to incorporate into the reservation system of Bingham the price quotes taught in Patullo so as to provide enhanced convenience for the user by providing the user with pricing package information after entry of the information into the request display. One would be motivated to include this information so that a user can have an idea of what prices are for different amenities and to comparison shop, finding out if they price information is in line with market rates. Often people use price quotes to get an idea how much a particular reservation request is going to cost and use these

quotes in making a determination of which facility to commit to for a reservation.

Therefore, it would have been obvious to provide a price quote to a user searching for reservation information since in the reservation industry it is common business practice to provide a price quote to a user such as if one calls a hotel to get rates on single rooms, double rooms, luxury suites, rooms with balconies over the ocean, etc.

The combination of Bingham and Patullo teaches the above-enclosed invention, but fail to explicitly disclose wherein establishing the reservation for the requested function space further comprises accepting the reservation when the requested function space is unavailable, said reservation comprises an overbooking. The Examiner is taking this limitation to mean that when the space is not available the user is put on a waiting list or a list of people to contact if the space becomes available, based on applicants specification paragraph [0056].

Fiske, which talks about hotels reserving space in advance, teaches that guests can be placed on a waiting list so if a desired space becomes available due to another guest canceling they will be asked to fill the spot (Page 1, paragraph 2, lines 24-28; disclose that the hotel has reservations made for a particular spot in a hotel made during a particular and when they are full they keep an active waiting list to help them ensure the profit they expected and the customers with the space they desired).

Therefore, from this teaching of Fiske, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by the combination of Bingham and Patullo, with the use of waiting lists taught by Fiske, for the purpose of providing flexible customers a chance to get their

desired spot and to also ensure that the business makes the profit they are expecting so there is not lost revenue.

As per claims 3, 11 and 19, Bingham discloses a method, medium and system wherein the plurality of remote properties are individual hotels of a hotel chain (Figures 11 and 12).

As per claims 6, 14 and 22, Bingham discloses a method, medium and system further comprising receiving a rejection of the price for the requested function space from the user; and providing alternatives to one or more of the plurality of criteria in real-time (Figures 4 and 5, Figure 11 alternatives are presented with different prices).

As per claims 7, 15 and 23, Bingham discloses a method, medium and system wherein establishing a reservation for the requested function space includes allocating a function space of a specified category, the category specified by one or more category related criteria included in the plurality of criteria of the request (Figures 4 and 5, pages 1, paragraph 0008).

As per claims 8, 16 and 24, Bingham discloses a method, medium and system wherein the category related criteria include one or more criterion selected from the group consisting of attendance (Figure 7 (706), event type (customer type Figure 4)(page 4, paragraph 0033), setup styles (Figure 9 (906)(Setup Classroom) and area (Figure 7 (708)(Figures 7-14).

As per claims 25-27, Bingham discloses wherein the criteria includes selected from a group of criteria consisting of date (Figure 4), day-part, (Figure 9), current

demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as defined by applicant in the specification in paragraph [49]. For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event – Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources [0029] and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) [033], the request including a plurality of criteria, ([0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and [0029] meeting facility criteria are received (block 404) from the user via a graphical interface), [0030] a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the retrieved reservation rule [0033] a price for the defined meeting package is generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) [0038] a meeting facility employee may adjust room pricing values such as the corporate room rate and resource

availability such as the number of booked or available meeting rooms Figure 4 (404), (410).

As per claim 28, Bingham discloses dividing one or more spaces into at least one specific space (meeting room space) and at least one category space (number of subdivisions in a meeting room space) and concurrently evaluating the at least one specific space and at least one category space as part of the determining the availability of the requested function space ([0039] air wall rule is a factor or multiplier which describes the number of subdivisions a meeting room space can be divided into for reservation using either physical dividers such as moveable room partitions, booths, etc. or intangible means such as area or section assignments for each meeting or event; air wall factor is utilized to determine capacity and availability of meeting room space and as a reservation rule requiring that a certain number of meeting room subdivisions be reserved or the reservation of subdivided meeting room space is acceptable). Patullo teaches a user to specify a room number [0039] (This also is specific space as defined in applicant's specification).

As per claim 29, Patullo teaches displaying a hierarchical relationship between said categories and their specific space components ([0033] the user is informed of the dates when a room category (for multiple categories) are unavailable).

[0065] For one embodiment the graphical representation will display a hierarchical relationship between categories and their specific space components. Tying the different types of bookings with the vertical axis, **allows**

the user to see the availability over a given time period for particular spaces as empty slots in graphical display.

As per claim 33, Bingham discloses a method comprising:

a digital processing system receiving a request for a function space, the digital processing system comprising availability information for a plurality of function spaces at a plurality of properties in a common reservation table and a set of pricing rules, the request comprising a plurality of criteria and the pricing rules including pricing based on a time of year (Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) (paragraph 0033), the request comprising a plurality of criteria, (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface), (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government

which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404), (410); criteria consisting of date (Figure 4), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as defined by applicant in the specification in paragraph [49]. For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event).

determining an availability of the requested function space based upon some or all of the availability information and one or more of the plurality of criteria, wherein said determining comprises determining said availability on a quality-specific basis and said availability is determined contingent on a threshold revenue for the space comprising expected food and drink revenue associated with the request (Figure 5 (512) Are the Specified Meeting Facility Resources Available for Reservation?, page 1, paragraph 0008, page 4, paragraph 0033. Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) (paragraph 0033), the request comprising a plurality of criteria, (paragraph 0008;

discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface), (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404), (410); criteria consisting of date (Figure 4), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as defined by applicant in the specification in paragraph [49]. For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event);

automatically providing a real-time price quote for the requested function space based on the set of pricing rules, wherein the price quote includes a pricing discount based on the attendance of the event (Paragraph 0033; discloses if sufficient meeting

facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more than 7 nights and get 10% off; Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph 0008) the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time (Page 1, paragraph 0008) a customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules. Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038);

receiving an acceptance of the price quote for the requested function space from a user (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037).

establishing a reservation for the requested function space as category space allocated for a length of time including setup and teardown for a selected setup style and attendance (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037. Page 5, paragraph 0039; discloses that there is both a setup style and attendance with a certain dollar value associated with the food and beverages in conjunction with a reservation and there is also a tear down and setup

time included in the "cutoff" days when another event can be planned in the same room or area).

converting, after a delay to allow for the sale of additional reservations, said reservation for the requested function space as category space to a reservation for specific space, wherein the specific space is selected from a set comprising an indivisible space and a configured space of combined indivisible spaces (Figure 4 (410-416)); discloses that there is a delay in the response of the system in converting from a general request for a category of space such as a conference room, to a specific confirmed conference room since the user must submit and accept the terms before the room is reserved. In other words, while on the website there are multiple users all attempting to reserve the same spaces, i.e. a delay to allow for the sale of additional reservations during the time between when a reservation is requested to the time the reservation is confirmed, wherein the confirmed reservation (specific space) is selected from a set of available rooms).

Bingham does not explicitly disclose providing a price quote for the request when it is determined that the request is unavailable or that if said function space is unavailable, said reservation comprises an overbooking.

The applicant's specification discloses:

[0012] Embodiments of the invention provide systems and methods to provide an availability and price determination in response to a request for function space.

For one embodiment, a **request** for a function space is received at a digital

processing system that contains availability information and a set of pricing rules for one or more function spaces. The request includes a plurality of criteria. **An availability of the requested function space is determined based upon the availability information and one or more of the criterion. A price for the requested function space is determined based upon the set of pricing rules and one or more of the criterion.**

[0034] As described, embodiments of the invention ensure that a customer is quickly provided with a determination of availability and a price quote. This increases the likelihood that a reservation will be established. Further, embodiments of the invention help to ensure that all of the numerous and complex pricing rules will be employed to produce an accurate price quote. This helps to ensure that the price quote provided is competitive and Exploits market conditions to increase revenue. **For alternative embodiments, a price quote may be determined even where the requested function space is unavailable to establish an optioned reservation. The function space is maintained as unreserved and if it subsequently becomes available, a reservation is established.**

[0038] For purposes of illustrating an embodiment of the invention, central reservation DPS 305 may be a central processing system and a database for a multi-location hotel chain with customers and local sales manages accessing the

reservation management system 306 to obtain availability and pricing information for function space at one or more individual properties. For example, a customer could enter the specifics of **a function space reservation request** via a hotel chain website and receive, in fairly short order, a definitive response in regards to availability and pricing for the requested function space. This means the customer no longer has to wait hours or days for a response and is therefore less likely to inquire of competitors. **Additionally, or alternatively, a sales manager at an individual hotel property could enter the specifics of a function space reservation request and receive a price quote based upon consideration of a number of complex factors aimed at increasing revenue. This decreases the likelihood that a sales manager will fail to consider one or more revenue-increasing pricing factors.**

Therefore, the Examiner is interpreting this limitation as simply providing a price quote without regard to availability.

Patullo discloses direct price quote requests (Figures 4 and 5; discloses that the price quote given does not guarantee or promise availability of the desired suite, it simply gives a price quote based on the users search criteria) even if the request is unavailable on certain dates (paragraphs 0023, 0027 and 0031; disclose that this information is given out before the user is aware if there is availability in their requested room).

Therefore, from this teaching of Patullo, it would have been obvious to one of ordinary skill in the art to incorporate into the reservation system of Bingham the price quotes taught in Patullo so as to provide enhanced convenience for the user by providing the user with pricing package information after entry of the information into the request display. One would be motivated to include this information so that a user can have an idea of what prices are for different amenities and to comparison shop, finding out if they price information is in line with market rates. Often people use price quotes to get an idea how much a particular reservation request is going to cost and use these quotes in making a determination of which facility to commit to for a reservation. Therefore, it would have been obvious to provide a price quote to a user searching for reservation information since in the reservation industry it is common business practice to provide a price quote to a user such as if one calls a hotel to get rates on single rooms, double rooms, luxury suites, rooms with balconies over the ocean, etc.

The combination of Bingham and Patullo teaches the above-enclosed invention, but fail to explicitly disclose wherein establishing the reservation for the requested function space further comprises accepting the reservation when the requested function space is unavailable, said reservation comprises an overbooking. The Examiner is taking this limitation to mean that when the space is not available the user is put on a waiting list or a list of people to contact if the space becomes available, based on applicants specification paragraph [0056].

Fiske, which talks about hotels reserving space in advance, teaches that guests can be placed on a waiting list so if a desired space becomes available due to another

guest canceling they will be asked to fill the spot (Page 1, paragraph 2, lines 24-28; disclose that the hotel has reservations made for a particular spot in a hotel made during a particular and when they are full they keep an active waiting list to help them ensure the profit they expected and the customers with the space they desired).

Therefore, from this teaching of Fiske, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by the combination of Bingham and Patullo, with the use of waiting lists taught by Fiske, for the purpose of providing flexible customers a chance to get their desired spot and to also ensure that the business makes the profit they are expecting so there is not lost revenue.

Response to Arguments

3. Applicant's arguments filed October 23, 2008 have been fully considered but they are not persuasive.

Rejection of Claims under 35 U.S.C. § 103

4. As per applicant's argument that the cited sections of Bingham and Patullo do not teach or suggest all elements of Applicants' recited Claim 1, specifically that the Examiner has made an error in interpreting the recited limitations "automatically providing a real-time price quote for the requested function space based on the set of pricing rules in spite of having determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable". The Examiner respectfully

disagrees as currently claimed, Claim 1 recites that "in spite of having determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable", from this it is taken that the space could be available or unavailable, Patullo teaches in at least figure 5 that the price quote given is not based on availability therefore covering both available or unavailable spaces. All the limitations of this claim are covered since Bingham is providing the criteria selection and Patullo is showing that a price quote can be given for both available and unavailable spaces. Further the applicant's argument that "there is an absence from the combination of Bingham with Patullo of the teaching or suggestion of quote of price without regard to availability undermines the present Office Action's prima facie case of obviousness by eliminating from the combination a recited element", the Examiner respectfully disagrees as stated in the Office Action Figure 5 of Patullo teaches the concept of **Availability Not Confirmed**, from this it is shown that the limitation of a price quote for both available and unavailable spaces is met by the Patullo reference in that the quote is given for both spaces. Further, Bingham discloses that the criteria are submitted in real time (Page 1, paragraph 0008).

5. In response to applicant's argument that "that the Patullo teaches away from the recited "automatically providing a real-time price quote for the requested function space based on the set of pricing rules in spite of having determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the

differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Further figure 8 nor figure 9 of Patullo were used to teach the limitation of providing a price quote for selected spaces regardless if it is available or not, Figure 5 was for this reason and Figure 5 displays of no warning of unavailable rooms. Since the Examiner has used figure 5 to teach this limitation, the Examiner respectfully disagrees that it teach away from the applicant's invention and asserts that figure 5 shows the limitation as currently claimed. Figure 9 as well as the underlined sections of paragraph 0033 are another embodiment of the invention separate from Figure 5. The Examiner has used Figure 5 to show that the price quote is given for a requested space regardless if that space is available or not which meets the limitations of the claims as currently written. In other words, if the space is available or the space is unavailable the price will be given to the customer.

6. In response to the applicant's argument, that "sellers of luxury goods, such as resort vacations, are not motivated to encourage comparison shopping, particularly on the basis of price, and the Examiner's statement of motivation contradicts human nature," the Examiner respectfully disagrees. The applicant has provided no evidence of this assertion, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The concept of price quote for comparison shopping does not contradict human nature but rather promotes competition and is a key characteristic of human nature. Several companies competing for business promote comparison

shopping such as Progressive auto insurance as well as other companies who have a price match or those who publish prices in paper advertisements. Not only would one of skill in the art, but one of ordinary skill in the art would indeed be highly motivated to allow for comparison shopping since it creates more sales by creating trust with the customers.

7. Therefore it is not against human nature to promote competition and allow customers to comparison shop for products. With the advent of the internet comparison shopping is the way most customers find out about products. By building trust with the customers the service helps promote customer loyalty and repeat business.

8. In response to the applicant's arguments pertaining to canceled claim 32, the argument is moot since claim 32 has been canceled. However to expedite prosecution the Examiner asserts that paragraph 56 of the applicant's specification states:

Over-authorization bookings are created when a category booking cannot be assigned at the specific space level because the physical space that the category contains has already been booked. For example, for a large category that contains rooms ABC and DEF, even though the large category only has two components, a third or subsequent booking may be made depending on the authorization level set for the category. Such booking would remain at the category level.

The quote from applicant's specification is from paragraph 49 and not 56 and recited the lines "An overbooking is a reservation that has been accepted even though it exceeds the authorization level for the function space. For one embodiment, an option,

(a waiting queue beyond overbookings) is used" which is considered by the Examiner to be vague and makes no distinction between a "waiting list" and "over booking". The Examiner finds the concept of "over booking" to be equivalent to a "waiting list" the Fiske reference which has now been added to the rejection of all the claims teaches of this concept of taking reservations preparing for other guests to cancel and not lose potential revenue. It is for this reason that the rejection is maintained.

9. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and unpatentable over Bingham and in view of Patullo, further in view of Fiske.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF
/Dennis Ruhl/
Primary Examiner, Art Unit 3689